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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant : ABELS et al.
Serial No : 10/632,017
Confirm. No : 9343
Filed : July 31, 2003
For : BALL-AND-SOCKET JOINT
Art Unit : 3679
Examiner : Ernesto Garcia
Dated : April 23, 2004

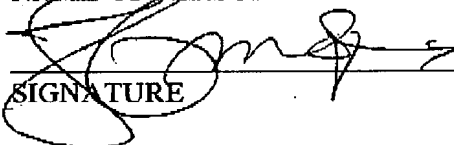
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RESPONSE TO RESTRICTION REQUIREMENTUNDER PCT RULE 13.1

In response to the Restriction Requirement dated March 24, 2004, Applicant hereby elects species I with Figures 1, 3 and 10, without gap 7.

Claims 1, 5, 8, 9, 10, 12, 14, 15, 17, 20 and 23-27 are readable thereon. Claims 1, 5, 9, 10, 14 and 23-27 are considered generic in that their features either read on all of the species, or are combinable with all of the species. Furthermore, claim 12 is generic to species I, II and VI, claim 15 is generic to Figures 1-3 and 5-10, and claim 20 is generic to Figures 1-4 and 8-10.

The Restriction Requirement states that the species are deemed to lack unity of invention and the species are defined by different Figures. Applicant has reviewed MPEP

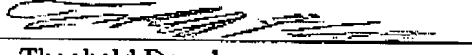
1893.03(d) and finds that when making a lack of unity invention requirement, the different groups of claims must be listed and there must be an explanation why each group lacks of unity with each other group. Therefore it appears that the defining of the species by figure numbers is improper under PCT Rule 13.1.

Applicant has also reviewed the definition of unity of invention, and it Applicant's understanding that if there is a generic claim, there must be unity of invention. A generic claim appears to indicate that the claims are linked as to form a single generally inventive concept.

Applicant respectfully requests reconsideration of PCT Rule 13.1. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Favorable action is respectfully requested.

Respectfully submitted
for Applicant,

By: 
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Registration No. 34,575
McGLEW AND TUTTLE, P.C.

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